

SENATE BILL REPORT

ESHB 2847

As Reported by Senate Committee On:
Energy, Environment & Telecommunications, February 25, 2016

Title: An act relating to creating an exemption to the definition of substantial development in chapter 90.58 RCW relating to the retrofitting of existing structures to accommodate physical access by individuals with disabilities.

Brief Description: Creating an exemption to the definition of substantial development in chapter 90.58 RCW relating to the retrofitting of existing structures to accommodate physical access by individuals with disabilities.

Sponsors: House Committee on Environment (originally sponsored by Representative Rossetti).

Brief History: Passed House: 2/16/16, 75-23.

Committee Activity: Energy, Environment & Telecommunications: 2/24/16, 2/25/16 [DPA, DNP, w/oRec].

SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

Majority Report: Do pass as amended.

Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Braun, Brown and Honeyford.

Minority Report: Do not pass.

Signed by Senators McCoy, Ranking Minority Member; Cleveland.

Minority Report: That it be referred without recommendation.

Signed by Senators Habib and Ranker.

Staff: Jeff Olsen (786-7428)

Background: The Shoreline Management Act (SMA) was enacted in 1971, and it governs uses of the shorelines of the state. Prior to undertaking any substantial development on the shorelines of the state, the SMA requires that a property owner or developer first obtain a permit. A "substantial development" is any development with a total cost or fair market value exceeding a set amount, or any development which materially interferes with the normal public use of the water or shorelines of the state. The original set threshold amount for a project to be considered substantial development was \$5,000; however, on September 15, 2012, it was increased to \$6,416 based on an automatic inflation mechanism.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Certain developments are specifically not considered "substantial developments" by statute and are exempt from the requirement of obtaining a special development permit regardless of their cost. These projects include normal maintenance of existing structures, emergency construction, construction necessary to support agriculture, modification of navigational aids, construction of certain single family residences, and the construction of canals necessary for certain irrigation systems.

Summary of Bill (Recommended Amendments): Retrofitting projects on the outside or the inside of an existing structure are removed from the definition of "substantial development" in the SMA if they are undertaken with the exclusive purpose of complying with the Americans with Disabilities Act or to otherwise provide physical access to a structure by individuals with disabilities.

EFFECT OF CHANGES MADE BY ENERGY, ENVIRONMENT & TELECOMMUNICATIONS COMMITTEE (Recommended Amendments): The recommended amendment modified the retrofitting projects exempt from the definition of substantial development in the SMA to include existing structures, rather than existing buildings.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The bill addresses an issue that arose where a constituent group paid \$5,400 for a permit for a retrofit project, taking away limited resources needed for the ADA access. Changes were made to the language in the bill to limit the exception to buildings, rather than structures in the original bill.

The Department of Ecology supports the bill, which is narrowly defined, and avoids creating unnecessary permitting to improve access for the disabled. By limiting the exemption to buildings, the goal was to avoid concerns about expansions to overwater structures. While the Department of Ecology prefers to limit the exception to buildings to avoid possible concerns, the Department continues to offer continued support for the bill.

Persons Testifying: PRO: Representative Rossetti, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: No one.

Persons Signed In, Unable To Testify & Submitting Written Testimony: PRO: Tim Gates, Department of Ecology.